

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

(A) Switzer Center

COMPLAINANT(S)

vs.

(B) Birch Communications, Inc
aka/ Lingo Telecom of the
West, LLC

DEFENDANT(S)

(Include Utility "U-Number", if known)

(for Commission use only)

(C)

Have you tried to resolve this matter informally with
the Commission's Consumer Affairs staff?

☒ YES

☐ NO

Did you appeal to the Consumer Affairs Manager?

☐ YES

☒ NO

Has staff responded to your complaint?

☒ YES

☐ NO

Do you have money on deposit with the
Commission?

☐ YES

☒ NO

Amount \$

Is your service now disconnected?

☒ YES

☐ NO

COMPLAINT

(D)

The complaint of (Provide name, address and phone number for each complainant)

Name of Complainant(s)	Address	Daytime Phone Number
Switzer Center	2201 Amapola Court, Torrance, CA 90501	(310) 328-3611

respectfully shows that:

(E)

Defendant(s) (Provide name, address and phone number for each defendant)

Name of Defendant(s)	Address	Daytime Phone Number
Birch Communications, Inc	1301 Chestnut St., Emporia, KS 66801	(888) 772-4724

(F)

Explain fully and clearly the details of your complaint. (Attach additional pages if necessary and any supporting documentation)

SEE ATTACHMENT:

474934 - SLC - NELSON - FORMAL COMPLAINT NARRATIVE - CPUC - 4-2-19

(G) Scoping Memo Information (Rule 4.2(a))

(1) The proposed category for the Complaint is (check one):

☒ adjudicatory (most complaints are adjudicatory unless they challenge the reasonableness of rates)

☐ ratesetting (check this box if your complaint challenges the reasonableness of a rates)

(2) Are hearings needed, (are there facts in dispute)? ☒ YES ☐ NO

(3) ☒ Regular Complaint ☐ Expedited Complaint

(4) The issues to be considered are (Example: The utility should refund the overbilled amount of \$78.00):

Birch Communications billing errors contributing to the inability of Switzer Center to extract itself from further business relationship under the contract renewed 11/21/17.

- (5) The proposed schedule for resolving the complaint within 12 months (if categorized as adjudicatory) or 18 months (if categorized as ratesetting) is as follows:

Prehearing Conference: Approximately 30 to 40 days from the date of filing of the Complaint.
Hearing: Approximately 50 to 70 days from the date of filing of the Complaint.

Prehearing Conference (Example: 6/1/09):	
Hearing (Example: 7/1/09)	

Explain here if you propose a schedule different from the above guidelines.

Hearings are invited to be by video-conferencing, or located in Los Angeles, CA.

(H)

Wherefore, complainant(s) request(s) an order: State clearly the exact relief desired. (Attach additional pages if necessary)

Void auto-renewed contract dated 11/21/18, eliminate all charges accrued since 9/24/18 and fully port all remaining phone numbers to Switzer's new provider.

(I)

OPTIONAL: I/we would like to receive the answer and other filings of the defendant(s) and information and notices from the Commission by electronic mail (e-mail). My/our e-mail address(es) is/are:

accounting@switzercenter.org

(J)

Dated _____, California, this _____ day of _____, _____
(City) (date) (month) (year)


Signature of each complainant

(MUST ALSO SIGN VERIFICATION AND PRIVACY NOTICE)

(K)

REPRESENTATIVE'S INFORMATION:

Provide name, address, telephone number, e-mail address (if consents to notifications by e-mail), and signature of representative, if any.

Name of Representative:	<i>Switzer Learning Center</i>
Address:	Dr. Rebecca Foo, Executive Director
Telephone Number:	310-328-3611 x 337 rfoo@switzercenter.org
E-mail:	2201 Amapola Court, Torrance, CA 90501-1431
Signature	

VERIFICATION
(For Individual or Partnerships)

I am (one of) the complainant(s) in the above-entitled matter; the statements in the foregoing document are true of my knowledge, except as to matters which are therein stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

(L)

Executed on _____, at _____, California
(date) (City)

(Complainant Signature)

VERIFICATION
(For a Corporation)

I am an officer of the complaining corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except as to the matters which are therein stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

(M)

Executed on 4/15/19, at Lawrence, California
(date) (City)

[Signature]
Signature of Officer

President & Executive Director
Title

(N) **NUMBER OF COPIES NEEDED FOR FILING:**

If you are filing your formal complaint on paper, then submit one (1) original, six (6) copies, plus one (1) copy for each named defendant. For example, if your formal complaint has one defendant, then you must submit a total of eight (8) copies (Rule 4.2(b)).

If you are filing your formal complaint electronically (visit <http://www.cpuc.ca.gov/PUC/efiling> for additional details), then you are not required to mail paper copies.

(O) Mail paper copies to: California Public Utilities Commission
Attn: Docket Office

505 Van Ness Avenue, Room 2001
San Francisco, CA 94102

PRIVACYNOTICE

This message is to inform you that the Docket Office of the California Public Utilities Commission ("CPUC") intends to file the above-referenced Formal Complaint electronically instead of in paper form as it was submitted.

Please Note: Whether or not your Formal Complaint is filed in paper form or electronically, Formal Complaints filed with the CPUC become apublicrecord and may be posted on the CPUC's website. Therefore, any information you provide in the Formal Complaint, including, but not limited to, your name, address, city, state, zip code, telephone number, E-mail address and the facts of your case may be available on-line for later public viewing.

Having been so advised, the Undersigned hereby consents to the filing of the referenced complaint.



Signature

Switzer Learning Center

Dr. Rebecca Foo, Executive Director

310-328-3611 x 337 rfoo@switzercenter.org

2201 Amapola Court, Torrance, CA 90501-1431



Date

Print your name